

Dated: December 8, 1998.

William N. Rhea,

Acting Regional Administrator, Region 6.

[FR Doc. 99-20 Filed 1-4-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY98-1-9808b: FRL-6199-2]

Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Basic Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revision submitted on November 10, 1997, by the Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet. This revision modifies the implementation of a basic motor vehicle inspection and maintenance (I/M) program in Jefferson County, Kentucky, to require loaded mode testing of vehicles instead of the current idle testing. In the final rules section of this **Federal Register**, the EPA is approving the Commonwealth's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: To be considered, comments must be received by February 4, 1999.

ADDRESSES: Written comments should be addressed to: Dale Aspy at the EPA Regional office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 61 Forsyth Street, Atlanta, Georgia 30303.

Air Pollution Control District of Jefferson County, 850 Barrett Avenue, Suite 205, Louisville, Kentucky 40204.

Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 316 St. Clair Mall, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Dale Aspy, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303. The telephone number is (404) 562-9041. Reference file KY98-1-9808.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: November 5, 1998.

A. Stanley Mieburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99-18 Filed 1-4-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 981231331-8331-01; I.D. 122898G]

Threatened Fish and Wildlife; Listing of the Gulf of Maine/Bay of Fundy Population of Harbor Porpoise as Threatened Under the Endangered Species Act (ESA)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; withdrawal.

SUMMARY: NMFS has determined that listing of the Gulf of Maine/Bay of Fundy (GOM/BOF) population of harbor porpoise, *Phocoena phocoena*, as threatened under the ESA is not warranted at this time. Therefore, NMFS withdraws the January 7, 1993, proposal to list the GOM/BOF population of harbor porpoise as threatened under the ESA. Since publication of the proposal to list, additional information regarding the status of the GOM/BOF harbor

porpoise population, its commercial fishery bycatch rate, and management actions implemented to reduce harbor porpoise bycatch have become available to justify reevaluation of the factors that prompted the original proposed listing.

ADDRESSES: Requests for copies of this determination or a complete list of references should be addressed to the Chief, Marine Mammal Division (PR2), Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margot Bohan, F/PR2, NMFS, (301) 713-2322, Laurie Allen, Northeast Region, NMFS, (978) 281-9291, or Kathy Wang, Southeast Region, NMFS, (727) 570-5312.

SUPPLEMENTARY INFORMATION:

Background

Prompted by 1989 and 1990 data indicating that the rate of harbor porpoise bycatch in the gillnet fishery was large relative to the available estimates of harbor porpoise abundance in the GOM/BOF, NMFS announced its intent on February 12, 1991, to review the status of harbor porpoise in U.S. waters for possible listing as threatened or endangered under the ESA. At the time that NMFS was reviewing harbor porpoise status, the Sierra Club Legal Defense Fund, on behalf of the International Wildlife Coalition and 12 other organizations, pursuant to 16 U.S.C. 1533(b), submitted a petition to NMFS (September 18, 1991) to add the GOM/BOF harbor porpoise population to the U.S. List of Endangered and Threatened Wildlife (50 CFR part 17), as a threatened species. NMFS determined that the petition presented substantial information indicating that the petitioned action might be warranted (56 FR 65044, Dec. 13, 1991). Under section 4(b)(3)(A) of the ESA, if a petition is found to present such information, a review of the status of the species concerned is mandated. To ensure a comprehensive status review, NMFS solicited information and comments specific to harbor porpoise in the GOM/BOF and adjacent waters.

On May 5-8, 1992, NMFS conducted a workshop to review the status of the GOM/BOF harbor porpoise and adjacent populations (as described in Gaskin, 1984) offshore eastern North America (NMFS, 1992). Participants at that workshop reviewed the best available scientific data on the population structure, abundance, reproductive rates, and levels of bycatch for each of the populations considered. The information reviewed during the harbor porpoise workshop and that received